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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,716	11/20/2001	Philip Lui	1552/2A	9617
7278	7590	05/20/2005	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			PESIN, BORIS M	
			ART UNIT	PAPER NUMBER

2174

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/989,716

Applicant(s)

LUI ET AL.

Examiner

Boris Pesin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 36-53 is/are pending in the application.
- ☒ 4a) Of the above claim(s) 52-53 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45-51 is/are allowed.
- 6) ☒ Claim(s) 34-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to Amendment A, filed 02/01/2005.

Claims 36-53 are pending in this application. Claims 36, 45, 52, and 53 are independent claims. In the Amendment A, Claims 36-53 were added and all the other claims were canceled. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Election/Restrictions***

Newly submitted claims 52 and 53 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 36-51 are drawn to monitoring user events and customization based on user events, classified in class 715, subclass 745.
- II. Claim 52 is drawn to generating reports and statistics, classified in class 715, subclass 440.
- III. Claim 53 is drawn to replicating the operation of the host application, classified in class 715, subclass 704.

Inventions I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate

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utility such as creating reports based on a statistic and invention III has separate utility such as creating a macro for a user. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 52 and 53 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Objections***

Claim 44 is objected to because of the following informalities:

The claim depends on claim 35, which is nonexistent. The Examiner will assume the Applicant meant it to depend on claim 36.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 36-40 and 42-44 rejected under 35 U.S.C. 103(a) as being unpatentable over Hollander (US 6697088) in view of Lanier et al. (US RE37,431).

In regards to claim 36, Hollander teaches a method of monitoring data events occurring in a computer host application, the method comprising the steps of: storing in a database a host application model, the model including a GuiFramework that models the host application interface controls that reflect the different states of the host application (Figure 1, Elements 28); extracting the GuiFramework from the database and expanding the GuiFramework into an interlinked, indexed network structure in memory (i.e. "providing a visual presentation for a computer application, comprising the steps of: storing a plurality of character-based presentation definitions and a plurality of graphic-based presentation definitions in at least one data memory" (Column 13, Line

20). Hollander does not teach intercepting, during execution of the host application, one or more operating system messages to obtain a plurality of information relating to a plurality of data events; organizing the intercepted data events in the session structure; and analyzing the data events to make automated inference of a user's interaction with the host application. Lanier teaches, "help system 300 of the preferred embodiment comprises a monitoring device 320 for collecting data generated in response to user-directed events and system states 310, a knowledge base 330 for storing data 331 along with a help information database 335 used to determine the best help to give, an inference engine 340 for interpreting data 331 and help information database 335 in knowledge base 330, and a display engine 350 for presenting appropriate help information 360 on display device 105. Data 331 comprises an historical queue 332 and a state data 333, while help information database 335 comprises a plurality of rules 334 and text 336." (Column 3, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hollander with the teachings of Lanier with the motivation to provide the user a more effective help system (Lanier, Column 1, Line 55).

In regards to claim 37, Hollander and Lanier do not specifically teach caching portions of a GUIFramework. However, Official Notice is given that it is well known in the art to cache information for faster retrieval. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hollander and Lanier to include a caching system with the motivation to provide the user with faster computer operation.

In regards to claim 38, Hollander and Lanier teaches a method wherein the data events include data events pertaining to session control information "help system 300 of the preferred embodiment comprises a monitoring device 320 for collecting data generated in response to user-directed events and system states 310, a knowledge base 330 for storing data 331 along with a help information database 335 used to determine the best help to give, an inference engine 340 for interpreting data 331 and help information database 335 in knowledge base 330, and a display engine 350 for presenting appropriate help information 360 on display device 105. Data 331 comprises an historical queue 332 and a state data 333, while help information database 335 comprises a plurality of rules 334 and text 336."(Lanier, Column 3, Line 1).

In regards to claim 39, Hollander and Lanier teach a method further comprising the steps of: monitoring all user actions with the host application; creating a session monitor data set over a time period interval, wherein the session monitor data set is created by accumulating the monitored user actions into a monitoring database; compiling the accumulated session monitor data set; and analyzing the accumulated session monitor data set "help system 300 of the preferred embodiment comprises a monitoring device 320 for collecting data generated in response to user-directed events and system states 310, a knowledge base 330 for storing data 331 along with a help information database 335 used to determine the best help to give, an inference engine 340 for interpreting data 331 and help information database 335 in knowledge base 330, and a display engine 350 for presenting appropriate help information 360 on display device 105. Data 331 comprises an historical queue 332 and a state data 333,

while help information database 335 comprises a plurality of rules 334 and text 336.”(Lanier , Column 3, Line 1).

In regards to claim 42 Hollander and Lanier teach a method wherein the analyzing step further comprises the step of evaluating user inputs in real-time “help system 300 of the preferred embodiment comprises a monitoring device 320 for collecting data generated in response to user-directed events and system states 310, a knowledge base 330 for storing data 331 along with a help information database 335 used to determine the best help to give, an inference engine 340 for interpreting data 331 and help information database 335 in knowledge base 330, and a display engine 350 for presenting appropriate help information 360 on display device 105. Data 331 comprises an historical queue 332 and a state data 333, while help information database 335 comprises a plurality of rules 334 and text 336.”(Lanier , Column 3, Line 1).

In regards to claim 43, Hollander and Lanier teach a method comprising of separating actions involving tool bars and controls executing a single action function; and removing these actions from the session structure (“An application should assert any historical information related to its unique state configuration. Application data are removed from the current state data 333 by the application once those data are no longer true by calling a "Retract" function.”(Lanier , Column 6, Line 60).

In regards to claim 44, Hollander and Lanier teach a method wherein the GuiFramework models navigational states of the host application (i.e. “When the client is screen-based, the display processor 64 uses the screen identifier to retrieve a



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screen from a screen database. The display processor may obtain the screen definition directly from a screen database 28C or it may cooperate with the screen processor 60 to obtain the screen definition from the screen database 28A. After the display processor 64 retrieves the screen definition, the display processor 64 processes the definition and sends it to the client 24 as discussed above.” (Hollander, Column 6, Line 15).

Claims 40 and 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollander (US 6697088) in view of Lanier et al. (US RE37,431) in further view of Kouznetsov (US 6725377).

In regards to claim 40, Hollander and Lanier teach all the limitations of claim 39. They do not teach a method wherein the time period interval is settable by the user. Kouznetsov teaches, “The monitoring schedule allows the user to set the time period for each day of a week that CyberCop Network will monitor” (Column 3, Line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hollander and Lanier with the teachings of Kouznetsov and include a method to let the user set a time interval with the motivation to provide a user with more control over the information gathered.

In regards to claim 41, Hollander, Lanier and Kouznetsov teach a method wherein the compiling step and the analyzing step occur at one of a scheduled time and by an invocation of the user (“The monitoring schedule allows the user to set the

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time period for each day of a week that CyberCop Network will monitor” (Kouznetsov, Column 3, Line 15).

***Allowable Subject Matter***

Claims 45-51 are allowed.

The following is an examiner’s statement of reasons for allowance:

The prior art does not teach polling the user inputs to detect user activation of an interface device; creating, upon detection of the user's activation, an action structure that includes status tags to mark structures; accumulating the action structure in a database; searching the accumulated action structures to detect sequences capable of being processed into an interactive custom accelerated procedure (ICAP); and generating the ICAP to automate the detected sequences in combination with all of the other claim limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Response to Arguments***

Applicant's arguments with respect to claims 36-53 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US005485544A                      Nonaka et al.

US006871348B1                  Cooper

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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